

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	2:06-cr-30
v.)	
)	
DIANNE L. KENNEDY,)	
Defendant.)	

ORDER OF COURT

Pending now before the Court is an EMERGENCY MOTION TO RECONSIDER (Document No. 67) filed by Defendant, Dianne L. Kennedy, pro se. The motion seeks reversal of the Order of Court dated September 10, 2008 that denied Defendant's Emergency Motion for Suspending Ordered Imprisonment Confinement Sentence and Modifying Ordered Sentence Structure to Home Confinement.

The Federal Rules of Criminal Procedure do not contain a rule specifically permitting motions for reconsideration. The Court will evaluate the motion under the analogous standard of Federal Rule of Civil Procedure 59(e). The purpose of a motion for reconsideration under Rule 59(e) of the Federal Rules of Civil Procedure is to notify the Court of an intervening change in controlling law, to correct manifest errors of law or fact, or to present newly discovered evidence." *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir.1985); *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir.1995). A motion for reconsideration is not to be used as a means to reargue a case or to ask a court to rethink a decision it has made.

Defendant has not met this standard, but rather, repeats arguments that have already been fully considered by the Court, namely the impact of her imprisonment on her mother, daughter and grandchildren. For the reasons set forth during the sentencing hearing, the Court adheres to

its determination that a term of imprisonment is necessary to comply with the sentencing factors set forth in 18 U.S.C. § 3553(a). To reiterate some of the comments made during the sentencing hearing:

The court recognizes that your 3 grandchildren and your mother are very dependent upon you. However, families are always impacted when a family member decides to commit an offense that is punishable by a term of imprisonment. Your criminal conduct in this case constituted an abuse of a position of trust and showed a remarkable disregard for the vulnerable persons whose government benefits were entrusted to your care. Such conduct cannot go unpunished.

In accordance with the foregoing, the EMERGENCY MOTION TO RECONSIDER (Document No. 67) is **DENIED**.

SO ORDERED, this 26th day of September, 2008.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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